

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IV. J.

From: Chad A. Millner, PE, Director of Engineering

Action ☒

Discussion ☐

Date: October 21, 2014

Information ☐

Subject: Resolution No. 2014-110 Public Improvement and Special Assessment Agreement

Action Requested:

Approve Resolution No. 2014-110 authorizing Mayor and City Manager to approve attached Public Improvement and Special Assessment Agreement for water service line improvement for 5509 Brookview Avenue.

Information / Background:

The property owner of 5509 Brookview Avenue upgraded the water service line and requested that the cost be as a special assessment. The attached signed agreement and resolution allow us to add the cost immediately as a special assessment.

Attachments:

Resolution No. 2014-110

Signed Public Improvement and Special Assessment Agreement

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RESOLUTION NO. 2014-110
APPROVING PUBLIC IMPROVEMENT AND
SPECIAL ASSESSMENT AGREEMENT

WHEREAS, property owner upgraded her water service line and requested that the cost be paid as a special assessment; and

WHEREAS, property owner signed a Public Improvement and Special Assessment Agreement allowing the City to add the cost as a special assessment;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EDINA, MINNESOTA:

1. The Public Improvement and Special Assessment Agreement is approved for the following property:

a. PID 19-028-24-12-0155, 5509 Brookview Avenue, \$3,500.00

2. The Assessment will be certified to the County Auditor as of the date this Resolution is approved by the City Council.

ADOPTED this 21st day of October, 2014.

Attest: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of October 21, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 20____.

City Clerk

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
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PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENT

AGREEMENT made this 3rd day of September, 2014, by and between the **CITY OF EDINA**, a Minnesota municipal corporation ("City") and **Kathleen Marie Buegler**, a single person (the "Property Owner").

RECITALS

- A. Property Owner is the owner of **Lot 018, Block 014, South Harriet Park Subdivision**, having a street address of **5509 Brookview Avenue**, Edina, Minnesota (the "Subject Property").
- B. Property Owner has replaced the existing **water service line** on the Subject Property ("Public Improvement")
- C. Property Owner has requested that the City assess the cost of the Public Improvement against the Subject Property.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS THE PARTIES AGREE AS FOLLOWS:

1. PUBLIC IMPROVEMENT. The City has received a quote of \$3,500.00 (the "Project Cost") from Minneapolis & Suburban Sewer & Water, (the "Contractor") to construct the Public Improvement. The City shall issue a Purchase Order with the Contractor to construct the Public Improvement. The City will pay the Contractor the Project Cost upon receipt of lien waivers.

2. SPECIAL ASSESSMENT. The City will assess the Project Cost, and administrative costs in the total amount of \$3,500.00 against the Subject Property. The assessment shall be spread over 15 years, together with 6.5% interest per year on the unpaid balance. The first installment shall be due and payable with taxes in 2015. The Property Owner waives any and all procedural and substantive objections to the special assessments and to the Public Improvement, including but not limited to hearing requirements and any claim that the assessments exceed the benefit to the Subject Property. The Property Owner waives any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

3. BINDING EFFECT; RECORDING. This Agreement shall be binding upon the Property Owner and the Property Owner's successors and assigns. This Agreement may be recorded against the title to the Subject Property.

ENGINEERING DEPARTMENT

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Kathleen Marie Buegler
Kathleen Marie Buegler

The foregoing instrument was acknowledged before me this 3rd day of Sept., 2014, by Kathleen Marie Buegle.

Sharon M. Ol.
NOTARY PUBLIC



CITY OF EDINA

BY: _____
James B. Hovland, Mayor

AND _____
Scott H. Neal, City Manager

STATE OF MINNESOTA)
 (ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by James B. Hovland and by Scott H. Neal, respectively the Mayor and City Manager of the City of Edina, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

NOTARY PUBLIC

DRAFTED BY:

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RNK:sm